



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM  
and  
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.4342 of 2017  
and  
W.M.P (MD) No.3491 of 2017

Muthukumar .. Petitioner

Vs.

1.The District Collector,  
Trichy.

2.The Revenue Inspector,  
Pannapatty Post,  
Manaparai Taluk,  
Trichy District.

3.Krishnasamy .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for records relating to the impugned notice dated Nil, issued by the second respondent under Section 5 of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents 1 and 2 : Mr.K.Guru,  
Additional Government Pleader.

#### ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the notice issued by the second respondent under Section 5 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same, by way of issuing a writ of certiorari.

2.Mr.K.Guru, learned Additional Government Pleader, has  
<https://hdservices.mca.gov.in/hdservices/> the respondents 1 and 2. Considering the nature  
of the relief sought in the writ petition, notice need not be sent  
to the third respondent.



3.The learned counsel appearing for the petitioner has contended to the effect that the second respondent has issued the impugned notice even without mentioning survey number and under the said circumstances the impugned notice is liable to be quashed.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 has contended to the effect that the petitioner has encroached a pathway and under the said circumstances the second respondent, who is the competent authority, has issued the impugned notice and therefore the relief sought in the writ petition cannot be granted.

5.On the basis of the divergent submissions made on either side, this Court has perused the impugned notice, wherein no survey number has been mentioned. Therefore it is easily discernible to the effect that the impugned notice is totally bereft of particulars. Since the impugned notice is totally bereft of particulars, the same is liable to be quashed.

6.In fine, this writ petition is allowed without costs and the impugned notice issued by the second respondent is quashed. However the second respondent is at liberty to issue a fresh notice by way of mentioning survey number and other details with regard to encroachment alleged to have been made by the petitioner. Consequently, connected Miscellaneous Petition is closed.

Sd/  
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector, Trichy.

2.The Revenue Inspector, Pannapatty Post, Manaparai Taluk,  
Trichy District.

+1CC to M/S.P.Ganapathiy Subramanian, Advocate, SR.No. 14763

+1CC to the Special Government Pleader, SR.No. 15061

ORDER MADE IN  
W.P(MD)No.4342 of 2017  
and  
W.M.P(MD)No.3491 of 2017  
15.03.2017